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**THE COUNTER-PIRACY JIATF: GETTING AFRICOM INTO THE PIRACY
FIGHT**

by

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LCDR, USN

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

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04 May 2009

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Abstract

The growing importance of maritime trade travelling through the Horn of Africa (HOA) region highlights the impact that disruptions, such as those caused by piracy, have on global commerce. Most piracy experts agree that nations ignore the piracy threat at their own peril. Established as the newest U.S. Combatant Command in October 2008, AFRICOM is a positive sign that the U.S. government recognizes the importance of addressing issues on the continent. This command, however, has not yet issued coherent counter-piracy policy. This is in spite of solid national-level guidance and numerous examples of successful international accords to help build theater-level strategy. Although recent U.S. and international counter-piracy efforts are a good start, they do not form a long-term solution. This long-term solution must address societal root causes of piracy found on land, and ultimately blend all aspects of U.S. national power, such as diplomacy and economic policy, with the considerable capability of the military. Although the Defense Department enjoys an immense advantage over other USG agencies in areas such as personnel strength and operational budget, it does not specialize in many areas applicable to the piracy fight. The nature of the HOA piracy problem suggests that AFRICOM establish a dedicated joint interagency task force (JIATF) as the most effective way to operationalize national level strategy.

INTRODUCTION

At a recent press conference, U.S. Secretary of State Hillary Clinton summarized the current challenge the United States faces regarding the piracy situation off the Horn of Africa (HOA), “we may be dealing with a 17th Century crime, but we need to bring 21st Century assets to bear.”¹ Although debate exists among industry experts regarding the impact that HOA piracy has on global commerce, there is consensus that nations ignore the negative effects at their own peril. The recently-formed U.S. Department of State organization, Contact Group on Piracy off the Coast of Somalia (CGPCS), described the impact of piracy in the HOA region in the following manner; “piracy disrupts critical humanitarian aid deliveries to Somalia, increases shipping insurance premiums along one of the world’s most traveled routes to near-prohibitive levels, damages littoral economies by forcing the diversion of vessels around the Cape of Good Hope, and raises the prospect of environmental disaster as ships fall prey to hostile intent.”²

Reports of multi-million dollar ransom payments along with dramatic increases in the rate of HOA piracy may lead a reasonable person to believe that the combined efforts of the U. S. government (USG) along with the international community are not having a significant effect in spite of considerable effort at all levels. These counter-piracy efforts range from the creation of multiple international maritime task forces to the passage of several United Nations Security Council Resolutions (UNSCRs). Although these initiatives are a good start,

¹ “US Unveils Plan To Tackle Piracy,” *BBC News*, 15 April 2009, <http://news.bbc.co.uk/go/pr/fr/-/hi/world/americas/8001102.stm> (accessed 15 April 2009).

² U.S. Department of State, *Policy Statement: Contact Group on Piracy off the Coast of Somalia* (Washington, DC: Office of the Spokesman, US Department of State, 14 January 2009).

they do not form a long-term solution which must address root causes of piracy found on land.³

In October 2008, the newest U.S. Combatant Command, United States Africa Command (AFRICOM), became fully operational. With the expressed intent to present a united front to deal with African issues⁴, the establishment of AFRICOM is a positive sign that the U.S. government recognizes the importance of addressing issues on the continent. This command has not yet, however, issued a coherent counter-piracy policy. This is in spite of solid national-level guidance and numerous successful international accords that could be utilized to help build theater-level strategy.

An effective long-term solution to piracy must ultimately blend all aspects of U.S. national power, such as diplomacy and economic policy, with the considerable capability of the military. U.S. Secretary of Defense Robert Gates even admitted that “there is no purely military solution to the problem.”⁵ Although the Defense Department enjoys an immense advantage over other USG agencies in areas such as personnel strength and operational budget, it does not specialize in many areas applicable to the piracy fight, such as law enforcement and community outreach. U.S. Joint Publication 5-0 (JP 5-0), *Joint Operation Planning*, states that success in situations requiring contributions from multiple agencies “can only be achieved through close interagency coordination and cooperation,” and, further, that a joint interagency coordination group (JIACG) “provides a Combatant Commander (i.e. AFRICOM) with the capability to collaborate at the operational level with other USG

³ Mark Thompson, “Washington Wrestles With the Real Somali Pirate Problem--- On Land,” *Time*, 14 April 2009, <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 14 April 2009).

⁴ John Tierney, “Testimony,” House, *AFRICOM: Rationales, Roles and Progress on the Eve of Operation: Hearing of the Subcommittee on National Security and Foreign Affairs of the House Committee on Oversight and Government Reform*, 110th Cong., 2nd sess., 15 July 2008, <http://lexis-nexis.com/> (accessed 26 March 2009).

⁵ William H. McMichael, “Gates Speaks Out On Pirate Operation,” *Navy Times*, 14 April 2009, <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 15 April 2009)

civilian agencies and departments.”⁶ The nature of the HOA piracy problem suggests that AFRICOM establish a dedicated joint interagency task force (JIATF) as the most effective way to operationalize national level strategy.

This paper will focus on how the nature of the HOA piracy problem compels a response involving all aspects of national power. Specific areas of focus include the current status of and potential shortfalls in: counter-piracy doctrine, international law, national strategy, theater-level policies, and the interagency process. This paper will conclude with recommendations for AFRICOM leadership to improve current policies.

DISCUSSION / ANALYSIS

HOA PIRACY THREAT

The strategic importance of the HOA region highlights the ramifications that a disruption in trade, such as that posed by piracy, may have on the world-wide economy. Global commerce depends on the 20,000 ships that travel annually through the region carrying approximately 12 percent of the world’s oil supply.⁷ Another significant aspect is the growing economic relevance of the African continent. In 2007, African countries accounted for more U.S. petroleum imports than the Persian Gulf region.⁸

The rapidly increasing rate of attacks along with an assessed potential for HOA piracy’s future development into a significant transnational threat are just two reasons why AFRICOM must address the problem now. In 2008, the International Maritime Bureau (IMB) Piracy Reporting Center (PRC) reported 111 piracy incidents in the HOA region, an

⁶ Chairman, U.S. Joint Chiefs of Staff, *Joint Operation Planning*, Joint Publication (JP) 5-0 (Washington, D.C.: CJCS, 26 December 2006, II-6 thru II-7).

⁷ James Kraska and Brian Wilson, “Maritime Piracy in East Africa,” *Journal of International Affairs* 62, no. 2 (Spring/Summer 2009): 55.

⁸ J. Peter Pham, “America’s New Africa Command: Paradigm or Shift Backwards?” *The Brown Journal of World Affairs* 15, 1 (Fall/Winter 2008), 259.

increase of nearly 200 percent from 2007.⁹ 2009 statistics continue to show a significant increase. In an April 2009 report, the IMB noted that “a near doubling in the number of ships attacked during the year’s first quarter compared with the same period in 2008...(was) due almost entirely to increased Somali pirate activity off the Gulf of Aden and the east coast of Somalia.”¹⁰

Maritime security and piracy analyst, Martin Murphy, identified numerous characteristics of organized criminal piracy (several of which apply to the HOA region) that have potential to develop into a significant threat to international security. These characteristics include: attack locations on the high seas, kidnap-and-ransom types of operations, and a high propensity to use or threaten the use of violence. Murphy also stated that this type of piracy “potentially presents a risk to regional security, and has international security implications in commercial hubs and in regions with valuable resources such as oil, minerals, and even fish.”¹¹

The vast dimensions of the HOA maritime environment highlight the challenge of depending on naval capabilities alone to defeat pirates. Encompassing nearly 2.5 million square miles of ocean and 2,300 miles of Somali coastline,¹² the HOA region presents a nearly impossible geographic problem that requires more than a purely maritime solution. In an April 2009 *Bloomberg* article, anti-terrorism consultant, Neil Livingstone, cited the recent

⁹ ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Annual Report 2008* (London, United Kingdom: International Maritime Bureau, 2009), 26.

¹⁰ ICC International Maritime Bureau, *Piracy and Armed Robbery Against Ships: Report for Period 01 January- 31 March 2009* (London, United Kingdom: International Maritime Bureau, April 2009), 24.

¹¹ Martin Murphy, *Contemporary Piracy and Maritime Terrorism: The Threat to International Security* (New York, NY: Routledge, 2007), 34-35.

¹² National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan* (Washington, DC: NSC, 2008), 3.

capture of the U.S. merchant vessel, MAERSK ALABAMA, as a prime example that demonstrated the “futility of concentrating security forces solely at sea.”¹³

Detailed scrutiny reveals that the HOA piracy crisis is merely a symptom of greater economic problems facing the region, specifically the failed state of Somalia, which has not had a stable government for over 15 years. In a December 2008 *Proceedings* article, associate history professor at the U.S. Naval Academy, Virginia Lunsford discussed underlying reasons that support long-term piracy, such as an available population of potential recruits and a secure base of operations.¹⁴ The following analysis will demonstrate how HOA piracy meets these two criteria.

Amid shocking poverty in the region, ransom payments that dwarf other income sources guarantee that Somali pirates will continue to have a large pool of recruits. 2008 payment estimates total approximately \$30 million with an average of \$2 million per successful negotiation.¹⁵ Although these sums may not seem significant in relation to overall maritime trade, they are staggering from the Somali perspective. In a recent *Journal of International Affairs* article, U.S. Navy JAG officers James Kraska and Brian Wilson cited two statistics that bring this into focus. First, a working-level pirate can earn as much as \$10,000 from one successful hijacking, an amount far exceeding normal annual income. Second, collected ransom money was three times greater than the annual budget of the Puntland government¹⁶ (a semi-autonomous region in Somalia, Puntland is one epicenter of HOA piracy). As stated in the U.S. National Security Council’s *Countering Piracy off the*

¹³ Jeff Bliss, “U.S. Military Considers Attacks on Somali Pirates’ Land Bases,” *Bloomberg* (12 April 2009), <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 14 April 2009).

¹⁴ Virginia Lunsford, “What Makes Piracy Work,” *United States Naval Institute Proceedings* 134, 12 (December 2008), 28, <http://www.proquest.com/> (accessed 21 April 2009).

¹⁵ National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan*, 6.

¹⁶ James Kraska and Brian Wilson, “Maritime Piracy in East Africa,” 57.

Horn of Africa: Partnership and Action Plan (CPAP), “ransom payments are the lifeblood of Somali pirates: each ransom paid further emboldens these pirates and perpetuates the threat.”¹⁷

The tremendous amount of popular support Somali pirates enjoy in their local villages and clans ensures a continued secure base of operations. In a recent BBC article, one local Somali described the pirates in this manner, “they have the money; they have power and they are getting stronger by the day...they wed the most beautiful girls; they are building big houses; they have new cars; new guns...piracy in many ways is socially acceptable. They have become fashionable.”¹⁸ A recent *New York Times* article, however, describes how this extensive social interaction can actually be used against the pirates. In the article, the former United Nations chief security officer in Somalia, Wayne Long, described how withholding humanitarian aid from Somali villages until their pirates released hostages was extremely effective.¹⁹

An area of considerable debate is whether current HOA piracy can be linked to maritime terrorism. A 2008 RAND study notably omitted terrorism as one of the root causes for piracy, reasoning that “the presumed convergence between maritime terrorism and piracy remains highly questionable... to date, there has been no credible evidence to support speculation about such a nexus emerging.”²⁰ In a 2008 *Proceedings* article, retired U.S. Navy intelligence officer, John Patch, asserted that the international shipping industry exaggerated the global nature of the piracy threat partly due to their nature as “profit-oriented businesses

¹⁷ National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan*, 6.

¹⁸ Robyn Hunter, “Somali Pirates Living the High Life,” *BBC News*, 28 October 2008, <http://news.bbc.co.uk/go/pr/fr/-/hi/world/africa/7650415.stm/> (accessed 21 April 2009).

¹⁹ Wayne Long, “Gang Up on Pirates,” *New York Times*, 19 April 2009, <http://www.nytimes.com/2009/04/19/opinion/19long-1.html/> (accessed 20 April 2009).

²⁰ John Patch, “The Overstated Threat,” *United States Naval Institute. Proceedings* 134, 12 (December 2008), 34, <http://www.proquest.com/> (accessed 21 April 2009).

loathe (to implement) costly preventative measures, naturally preferring that international organizations, national law-enforcement agencies, and armed forces take care of the problem instead.”²¹ In spite of this debate, most analysts agree that actions must be taken to counter piracy, specifically in the HOA region.

COUNTER-PIRACY DOCTRINE

A brief review of historical counter-piracy strategies brings insight into developing current methods. The ancient Romans recognized the need to differentiate pirates from legitimate, state-based enemies (a problem that still plagues current operational planners), and created different rules for *bellum* (war against a legitimate enemy) and for *guerra* (conflict against enemies of mankind). This delineation allowed the Romans to prosecute pirates to the fullest extent, and provides a good example to modern planners on how to avoid current legal pitfalls.²² AFRICOM can also derive lessons from how the U.S. handled the Barbary pirates in the early 19th century. It was only after abandoning the practice of paying ransoms, and eradicating the land-based support systems that the U.S. was able to defeat the Barbary pirate threat.²³

Proposed counter-piracy strategies share a predominant theme of utilizing all aspects of national power (not just military operations at sea) to address underlying societal causes of piracy on land. In a December 2008 briefing on Capitol Hill, senior RAND policy analyst, Peter Chalk, advocated to “use ‘soft power’ and ‘smart power’ to address major land-based problems that exacerbate piracy... (including) government corruption, socioeconomic

²¹ John Patch, “The Overstated Threat,” 34.

²² Mackubin Owens, “What to Do About Piracy?” *Foreign Policy Research Institute E-Notes*, April 2009, <http://www.fpri.org/> (accessed 17 April 2009).

²³ Lunsford, “What Makes Piracy Work,” 28.

malaise and lack of functioning government and infrastructure, as in the case of Somalia, where many pirate gangs now operate.”²⁴

Counter-piracy strategies also focus on the ability to develop regional maritime security within the affected African governments. James Kraska and Brian Wilson recently examined the USG Global Train and Equip program as one model for AFRICOM planners to emulate. The authors describe that the program’s leveraging of Pentagon funds to train and equip regional forces as an innovative way to ensure that ungoverned areas do not become terrorist safe havens.²⁵ They further state that one of the most effective ways for the U.S. to “develop greater maritime security capacity throughout the Horn of Africa would be to broaden and fully fund Global Train and Equip” (last year only \$300 million of \$800 million in requirements was funded).²⁶

One potential pitfall for building regional security capability is the weak condition of the Somali central government. This does not mean that the Somalis are not willing to help. The current Somali President, Sheik Sharif Sheik Ahmed, recently described plans to establish a 10,000 member security force to combat the pirates.²⁷ AFRICOM planners, however, must be wary of committing precious assets to a government that has not demonstrated effective control outside of the Somali capital city of Mogadishu.

Another prospective shortfall for counter-piracy efforts on land is an over-dependence on military power. An associate professor at the Naval War College, James Holmes recently wrote an editorial arguing against implementing significant efforts ashore in Somalia.

²⁴ Rebekah Gordon, “RAND: Navy Ship Presence ‘Impractical’ Solution to Deterring Piracy,” *Inside the Navy* (15 December 2008), under “Search Archives,” <http://www.insidedefense.com/> (accessed 29 March 2009).

²⁵ James Kraska and Brian Wilson, “Maritime Piracy in East Africa,” 64-65.

²⁶ *Ibid.*, 64-65.

²⁷ “Somalia Says: Let Us Handle the Pirates,” *Los Angeles Times*, 15 April 2009, <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 15 April 2009).

Holmes expressed concern that extended counter-piracy operations ashore could quickly turn into expensive counter-insurgencies.²⁸ He further stated that, “barring the use of sustained overwhelming force against pirates ashore, and until Somalia has a government able to impose order; Washington should persevere with naval patrols while arming merchant crews.”²⁹ Holmes’ analysis supports that an effective, long-term solution to the root causes of piracy on land must focus on the extensive use of non-military national power.

INTERNATIONAL LAW AND AGREEMENTS

One of the most important issues of any successful counter-piracy campaign is also one of the most challenging; creating the legal basis and infrastructure able to support consistent prosecution of pirates. In a recent *World Policy Journal* article, James Kraska and Brian Wilson identified the particularly vexing problem in the HOA region; “although it is always preferable to work through regional nations to conduct piracy prosecutions, the countries on Africa’s east coast have nascent legal systems and are notoriously lacking in resources for law enforcement and the judiciary. Thus, while piracy is a universal crime, states that lack vessels and aircraft to patrol their coastal zone or the legal infrastructure to bring pirates to justice are not able to play a constructive role in solving the crisis.”³⁰ To address these legal issues most effectively, AFRICOM leadership would be well advised to conduct close coordination with other USG agencies, such as the Department of Justice and State, in an interagency task force.

In spite of these legal challenges, AFRICOM planners can utilize several international accords as basis for their counter-piracy action. These sources include: the 1982 United

²⁸ James Holmes, “Holmes: No Easy Military Solution for Piracy,” *Athens Banner-Herald* (19 April 2009), under “Search,” <http://www.onlineathens.com/> (accessed 22 April 2009).

²⁹ Ibid.

³⁰ James Kraska and Brian Wilson, “Fighting Pirates: The Pen and the Sword,” *World Policy Journal*, Winter 2008/09, 46.

Nations Convention on the Law of the Sea (UNCLOS), the 1988 Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), and recent United Nations Security Council Resolutions (UNSCRs). Several UNCLOS articles provide required legitimacy for action against piracy, and allow warships to visit or board vessels, regardless of flag state, on the high seas- even without the consent of the flag state- for the purpose of disrupting universal crimes, such as piracy.³¹ Derived by the International Maritime Organization (IMO) in the wake of the *ACHILLE LAURO* hijacking in 1985, the SUA Convention requires signatories to criminalize all acts endangering the safe navigation of shipping,³² and has helped resolve uncertainty regarding what acts constitute piracy, a previous hindrance to prosecution of guilty parties. Recently, The United Nations Security Council (UNSC) passed four resolutions (UNSCRs 1816, 1838, 1846, and 1851) that help close a historical legal gap in the UNCLOS requirement for piracy to occur on the “high seas”, and provide latitude in the pursuit of Somali pirates. This latitude includes the critical ability to pursue pirates into Somali territorial waters.³³

Previous IMO initiatives provide good examples on how to build international coordination to counter piracy. One initiative in particular is a circular approved by the IMO’s Maritime Safety Committee (MSC), MSC/622. This circular delineated elements essential to any regional maritime security plan, such as building provisions for criminal enforcement and determining choice of jurisdiction among coastal and flag states.³⁴

AFRICOM planners should also examine successful examples of regional counter-piracy cooperative agreements to ascertain what could work in the HOA region. One

³¹ James Kraska and Brian Wilson, “Maritime Piracy in East Africa,” 59.

³² Kraska and Wilson, “Fighting Pirates: The Pen and the Sword,” 50.

³³ Kraska and Wilson, “Maritime Piracy in East Africa,” 62-63.

³⁴ Ibid., 60.

example is the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Southeast Asia (RECAAP), which was developed by several Asian countries to combat their own piracy problem in the 1990's. Senior research fellow at the National University of Singapore, Zou Keyuan, identified the establishment of a centralized information sharing center as one of the most important aspects of that agreement.³⁵ Another example is from western Africa, the Maritime Organization of West and Central Africa (MOWCA). Created in 1975, MOWCA has worked to create important maritime security initiatives, such as a sub regional coast guard network and an institutional framework for close cooperation on piracy suppression.³⁶

NATIONAL-LEVEL STRATEGY

Many tenets contained in proposed counter-piracy operations are incorporated into current U.S. national strategy. These tenets, however, may be best summarized in Anna Hopper's Winter 2008 *Harvard International Review* article; "effectively combating piracy will be a long and difficult task. It involves a multi-step process that includes the redefinition of piracy, stronger commitment from Western nations to securing trade lanes, and regional dedication among directly affected nations."³⁷ Many of the areas of expertise required to accomplish these tasks lie outside of the Defense Department, and beg for AFRICOM leadership to institute an interagency task force.

One of the first steps in creating valid theater-level operational plans is to ensure they meet national-level strategic objectives. Two recent USG documents, the 2005 *National Strategy for Maritime Security (NSMS)* and the 2008 National Security Council's *Countering*

³⁵ Zou Keyuan, "Seeking Effectiveness for the Crackdown of Piracy at Sea," *Journal of International Affairs* 59, 1 (Fall 2005), 117, <http://www.proquest.com/> (accessed 26 February 2009).

³⁶ Kraska and Wilson, "Maritime Piracy in East Africa," 62.

³⁷ Anna Hopper, "Squashing the Skull and Bones Reforming the International Anti-Piracy Regime," *Harvard International Review*, Winter 2008, 31.

Piracy off the Horn of Africa: Partnership and Action Plan (CPAP), provide this important national-level direction. The NSMS clearly states that “the safety and economic security of the United States depends upon the secure use of the world’s oceans.”³⁸ CPAP provides even more detailed guidance. It asserts that “the U.S. objective is to repress this (HOA) piracy as effectively as possible in the interests of the global economy, freedom of navigation, Somalia, and regional states.”³⁹ CPAP even admits that “achieving this objective will ultimately require action on land... (and) cooperation, coordination, and integration among military, law enforcement, judicial, diplomatic, and commercial interests in and beyond the affected region.”⁴⁰ This seems to be a pretty clear mandate for an interagency effort.

THEATER-LEVEL STRATEGY

One of the most significant shortfalls in AFRICOM’s theater counter-piracy effort is its near-total lack of integration with the current CENTCOM anti-piracy maritime task force, CTF 151. The only specific interaction is AFRICOM’s involvement in turning over suspected pirates to cooperative east African countries, such as Kenya, for legal prosecution.⁴¹ The former commander of CTF 151, Rear Admiral Terry McKnight stated that “AFRICOM is the land. We’re the sea. My charter is just in the water.”⁴² Although detailed analysis is beyond the scope of this paper, this seam in command and control (C2) between AFRICOM and CENTCOM has potential to present significant challenges to the operational principle of unity of command if left unaddressed.

³⁸ *The National Strategy for Maritime Security* (Washington, DC: Department of Homeland Security, September 2005), ii.

³⁹ National Security Council, *Countering Piracy off the Horn of Africa: Partnership and Action Plan*, 3.

⁴⁰ *Ibid.*, 6.

⁴¹ Mark Thompson, “Washington Wrestles With the Real Somali Pirate Problem--- On Land,” *Time*, 14 April 2009, <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 14 April 2009).

⁴² James Warden, “U.S. Troops’ Anti-Piracy Mandate Stops Short of Land Efforts,” *Stars and Stripes*, 31 March 2009, <http://www.chinfo.navy.mil/pages/clips.html/> (accessed 31 March 2009).

Another issue that AFRICOM planners must address is an apparent disconnect between national and theater objectives regarding piracy. In a March 2009 posture statement, AFRICOM's leadership lists two of its strategic goals as "African countries and organizations (that) are able to provide for their own security and contribute to security on the continent" and to "improve security sector governance and increased stability through military support to comprehensive, holistic, and enduring USG efforts in designated states."⁴³ The apparent lack of AFRICOM counter-piracy focus is surprising. This lack of emphasis was further highlighted when officials from one of AFRICOM's subordinate commands, Combined Joint Task- Horn of Africa (CJTF-HOA), were cited in a March 2009 *Stars and Stripes* article as "frustrated with the media's misperception that the command is involved in anti-piracy efforts."⁴⁴

INTERAGENCY PROCESS & SUCCESSFUL JIATF MODELS

Analysis reveals that a solution to the mixture of piracy legal challenges and underlying socioeconomic factors requires the full capabilities of U.S. national power. The 2005 *National Strategy for Maritime Security* states that the "security of the maritime domain can be accomplished only by seamlessly employing all instruments of national power in a fully coordinated manner in concert with other nation-states consistent with international law."⁴⁵ The Defense Department's method to accomplish this coordination is through the use of interagency task forces. The governing Defense Department document on interagency operations, Joint Pub (JP) 3-08, states that "interagency coordination forges the vital link

⁴³ U.S. Africa Command, *United States Africa Command 2009 Posture Statement* (Stuttgart, Germany: AFRICOM, March 2009), 11.

⁴⁴ James Warden, "U.S. Troops' Anti-Piracy Mandate Stops Short of Land Efforts."

⁴⁵ *The National Strategy for Maritime Security* (Washington, DC: Department of Homeland Security, September 2005), 13, http://www.dhs.gov/xlibrary/assets/HSPD13_MaritimeSecurityStrategy.pdf/ (accessed 01 May 2009).

between the military and the diplomatic, informational, and economic instruments of power of the USG (U.S. government). Successful interagency, intergovernmental organization (IGO) and nongovernmental organization (NGO) coordination enables the USG to build international support, conserve resources, and conduct coherent operations that efficiently achieve shared international goals.”⁴⁶ These descriptions seem to be a specific task list for an interagency counter-piracy task force led by AFRICOM.

There are more than doctrinal reasons for the Defense Department to get involved in a piracy solution rather than ceding control to another USG entity such as Department of State or Department of Justice. It is a matter of resources. An official from Refugees International, Mr. Mark Malan, testified before Congress that “the human resources of Department of State and USAID have been systematically degraded to the point where there are not enough federally employed professionals to go around.”⁴⁷

AFRICOM appears ideally suited to implement a counter-piracy JIATF considering the command’s continued focus on incorporating interagency mentality into all operations. The current AFRICOM civilian deputy commander, Ambassador Mary Yates, re-affirmed this commitment in July 2008 testimony before Congress when describing AFRICOM’s mission, “it emphasizes our role as the military component within the context of the broader U.S. government effort. We will conduct all our activities as part of the interagency team.”⁴⁸ AFRICOM leadership, however, has encountered difficulty in fully staffing all non-

⁴⁶ Chairman, U.S. Joint Chiefs of Staff, *Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations Vol I*, Joint Publication (JP) 3-08 (Washington, D.C.: CJCS, 17 March 2006, vii.

⁴⁷ Mark Malan, “Testimony,” House, *AFRICOM: Rationales, Roles and Progress on the Eve of Operations, Part Two: Hearing of the Subcommittee on National Security and Foreign Affairs of the House Committee on Oversight and Government Reform*, 110th Cong., 2nd sess., 23 July 2008, <http://lexis-nexis.com/> (accessed 26 March 2009).

⁴⁸ Mary Yates, “Testimony,” House, *AFRICOM: Rationales, Roles and Progress on the Eve of Operation: Hearing of the Subcommittee on National Security and Foreign Affairs of the House Committee on Oversight and Government Reform*, 110th Cong., 2nd sess., 15 July 2008, <http://lexis-nexis.com/> (accessed 26 March 2009).

Department of Defense billets within its organization.⁴⁹ This lack of manning support from other agencies will pose a significant challenge to the goal of fielding a truly interagency combatant command.

CJTF-HOA is a good example of AFRICOM's emphasis on interagency cooperation. Director of the Nelson Institute for International and Public Affairs at James Madison University, J. Peter Pham, observed that "CJTF-HOA's command element stresses the importance of interagency collaboration in its 'area of interest' as the key to success...its operational concept includes a number of measures to foster interagency integration."⁵⁰ CJTF-HOA's status as the only current AFRICOM military organization with a significant footprint in the HOA region and its stated emphasis on helping build "regional security capability to enable long-term regional stability, prevent conflict and protect U.S. and Coalition interests"⁵¹ are two significant reasons why it is well suited to assume the role as AFRICOM's counter-piracy interagency task force.

Since many analysts have found striking similarities between AFRICOM and SOUTHCOM mission sets,⁵² AFRICOM could examine SOUTHCOM's JIATF-SOUTH to distill valuable knowledge in building its own counter-piracy JIATF. Created in the early 1990's to counter illicit cargo trafficking, JIATF-SOUTH has developed into a good example of how the interagency process can work. The author of a 2008 Naval War College Joint Military Operations research paper entitled, *A Cooperative Strategy for 21st Century Seapower: 200 Years and Still Missing the Boat*, argues that counter-piracy operations are

⁴⁹ Lauren Ploch, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, Congressional Research Service Report (Washington, DC: Congressional Research Service, 05 January 2009), 7.

⁵⁰ J. Peter Pham, "America's New Africa Command: Paradigm or Shift Backwards?" 265.

⁵¹ Combined Joint Task Force- Horn of Africa, "Combined Joint Task Force- Horn of Africa Mission Statement," *CJTF-HOA Factsheet*, <http://www.hoa.africom.mil/AboutCJTF-HOA.asp/> (accessed 20 April 2009).

⁵² Lauren Ploch, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, 5.

similar to “the phases of counter-drug operations: maritime surveillance, detection, apprehension, and disposition of the criminals.”⁵³ In a 2006 *Joint Forces Quarterly* article, Richard Yeatman discussed several lessons learned from JIATF-SOUTH operations that AFRICOM leadership should incorporate into their own operational plan. These lessons include: extensively integrate personnel from various agencies at all levels of command, recognize that each agency may have different measures of effectiveness (MOEs) and develop processes that makes each agency depend on the other to achieve those MOEs, and appreciate the critical factor that human intelligence (HUMINT) plays in the successful prosecution of criminal acts.⁵⁴ This HUMINT lesson is especially relevant since CJTF-HOA is particularly well placed to capitalize on its ongoing efforts to develop relationships with African regional partners.

Using an interagency process to combat HOA piracy presents some challenges for AFRICOM planners. First, the mixture of military and civilian capabilities creates scenarios where Defense Department personnel would be compelled to perform functions better suited to other agencies; a situation that the highest levels of AFRICOM leadership has been steadfast to avoid.⁵⁵ Second, this combination of military and civilian power blurs lines of responsibility to the point where civilian workers are put in danger due to host nations’ inability to distinguish military from civilian. The vice president at the largest coalition of

⁵³ Michael J. Gunther, “A Cooperative Strategy for 21st Century Seapower: 200 Years and Still Missing the Boat” (research paper, Newport, RI: U.S. Naval War College, Joint Military Operations Department, 2008), 5.

⁵⁴ Richard Yeatman, “JIATF-South: Blueprint for Success,” *Joint Force Quarterly* 42 (3rd Quarter 2006), 26-27, <http://www.proquest.com/> (accessed 18 April 2009).

⁵⁵ Michael Snodgrass, “Testimony,” House, *AFRICOM: Rationales, Roles and Progress on the Eve of Operation: Hearing of the Subcommittee on National Security and Foreign Affairs of the House Committee on Oversight and Government Reform*, 110th Cong., 2nd sess., 15 July 2008, <http://lexis-nexis.com/> (accessed 26 March 2009).

U.S.-based NGOs, Ambassador Jim Bishop, recently cited this specific concern during Congressional testimony with regards to CJTF-HOA operations.⁵⁶

CONCLUSIONS

The JIATF construct presents a viable C2 structure for AFRICOM leadership. The nature of the piracy problem (legal challenges, interaction with foreign governments, the need for industry cooperation, etc.) requires expertise resident outside of the Defense Department, yet the Defense Department's significant resource advantage over other USG agencies makes it a logical candidate to organize the interagency effort. Due to similarities between AFRICOM and SOUTHCOM mission sets, JIATF-SOUTH provides a great example of a JIATF construct for AFRICOM to use when analyzing its own counter-piracy mission.

One of the most significant issues that AFRICOM must resolve in future counter-piracy efforts is the disconnect between AFRICOM and CENTCOM regarding C2 of CTF 151. Currently, AFRICOM does not seem to have any direct involvement with forces tasked to patrol the waters in the HOA region. This lack of coordination is dangerous as it facilitates the possible violation of the critical principle of war, unity of command.

Although debate continues on the extent of the piracy threat, most analysts agree that affected governments must address the issue as a matter of national security. The negative impact that piracy has on global commerce dictates a concerted response from the U.S. government. The economic ramifications of options facing shipping companies; either paying skyrocketing insurance premiums or diverting ships and thereby boosting annual fuel

⁵⁶ Jim Bishop, "Testimony," House, *AFRICOM: Rationales, Roles and Progress on the Eve of Operation: Hearing of the Subcommittee on National Security and Foreign Affairs of the House Committee on Oversight and Government Reform Part Two*, 110th Cong., 2nd sess., 23 July 2008, <http://lexis-nexis.com/> (accessed 26 March 2009).

costs to the amount of approximately \$3.5 million per ship, are especially painful during a global recession.⁵⁷

Since the HOA region falls in the AFRICOM Area of Responsibility (AOR), AFRICOM must specifically address the piracy issue due both to the strategic economic value of the African continent and for a need to legitimize itself with other agencies in and out of the U.S. government. JP 3-08 provides clear guidance that “the geographic combatant commander (in this case, AFRICOM) is the focal point for planning and implementation of regional and theater military strategies that require interagency, IGO, and NGO coordination.”⁵⁸

AFRICOM leaders should emphasize fostering regional cooperative agreements and building regional partner security capabilities. Cooperative agreements, such as Southeast Asia’s RECAAP, demonstrate the essential role international coordination plays in successful counter-piracy efforts.⁵⁹ Building local security capabilities allows AFRICOM to avoid placing a significant U.S. military footprint on the African continent for a prolonged period of time. Finally, as Kraska and Wilson noted in their 2009 *Journal of International Affairs* article; East African partner nations possess the “nascent legal capacity...to impose law and order in response to piracy... (but) these states require assistance in order to enhance their capacity.”⁶⁰

An effective long-term solution to the HOA piracy problem must address both the underlying societal issues on land and comprise a mixture of all aspects of U.S. national

⁵⁷ “High-seas Piracy Triggers Higher Insurance Rates for Shippers,” www.hsdailywire.com, 13 April 2009, <http://hsdailywire.com/single.php?id=7769/> (accessed 16 April 2009).

⁵⁸ Chairman, U.S. Joint Chiefs of Staff, *Interagency, Intergovernmental Organization, and Nongovernmental Organization Coordination During Joint Operations Vol. I*, Joint Publication (JP) 3-08, xii.

⁵⁹ James Kraska and Brian Wilson, “Piracy, Policy, and Law” *United States Naval Institute Proceedings* 134, 12 (December 2008), 52, <http://www.proquest.com/> (accessed 21 April 2009).

⁶⁰ Kraska and Wilson, “Maritime Piracy in East Africa,” 64.

power. This solution must also address previously discussed piracy enablers, such as public support and recruit availability. Many components of this solution will come from various USG agencies, but AFRICOM must coordinate them if it wants to avoid losing one of its first significant challenges to theater security.

RECOMMENDATIONS

The current AFRICOM organization, CJTF-HOA, is a perfect candidate for conversion into a counter-piracy focused JIATF. CJTF-HOA has already established a footprint in the region, and has declared one of its focus areas as building security capabilities of east African nations.⁶¹ Also, the relationships that CJTF-HOA has established with local partners will facilitate future efforts to increase partner nations' law enforcement capabilities.

AFRICOM must address the seam in C2 of the Coalition task force, CTF 151. Although AFRICOM may not need to take direct control of CTF 151, it must establish and maintain extensive communication with task force leadership in order to avoid gaps in unity of command and effort.

In order to expedite a counter-piracy focus, CJTF-HOA should transfer its current counter-extremism mission. AFRICOM already has another organization, OEF-TRANS SAHARA, which focuses on fighting terrorism in North and West Africa.⁶² This transfer could reduce possible confusion in the mission areas of AFRICOM subordinate commands, and facilitate a more rapid application of effective counter-piracy measures.

⁶¹ Combined Joint Task Force- Horn of Africa, "Combined Joint Task Force- Horn of Africa Mission Statement," *CJTF-HOA Fact sheet*, <http://www.hoa.africom.mil/AboutCJTF-HOA.asp/> (accessed 20 April 2009).

⁶² U.S. Africa Command, *United States Africa Command 2009 Posture Statement*, 12.

AFRICOM should develop specific theater-level strategy and objectives to counter the HOA piracy issue. This could be similar to the specific attention that AFRICOM has given to Al Qaeda⁶³, and would support alignment of critical resources to the mission. This would also align AFRICOM with standing national-level guidance.

⁶³ Ibid., 11.

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